REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks. Claim 2 has been cancelled. Claims 1 and 3 have been amended and remain in the case.

The present invention features a method of synchronizing a clock or bit rate at a receiver to the clock or bit rate of a corresponding transmitter in an IP packet network. The clock rate of the receiver is adjusted using an algorithm based upon the current and historical average levels of a FIFO memory into which packets are received.

Claims 1 and 2 were objected to: claim 1 for containing the term "output FIFO" not supported in the specification; and claim 2 for containing program code not completely in English.

Claim 1 has been amended to eliminate the non-supported term, FIFO memory having been substituted therefor.

While the cancellation of claim 2 renders the objection moot, the language of claim 2 has, however, been translated into English from the program code, the translated language now appears in claim 1.

It is believed that the amendment of claim 1 overcomes the Examiner's objection.

Claim 1 was rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,790,535 for SYSTEM AND METHOD FOR VOICE PLAYOUT IN AN ASYNCHRONOUS PACKET NETWORK, issued August 4, 1998 to Gary Sugar in view of United States Patent No. 5,668,841 for TIMING RECOVERY FOR VARIABLE BIT-RATE VIDEO ON ASYNCHRONOUS TRANSFER MODE ATM NETWORKS, issued September 16, 1997 to Barin Geoffry Haskell et al.

Claim 1 has been amended to incorporate the subject matter of claim 2, previously indicated as allowable. Claim 1 now specifically recites the method relationship of current

average and previous average FIFO memory conditions and positively recites the clock or bit rate changes made under any of four specific conditions. The amendment of claim 1 overcomes its rejection under 35 U.S.C. §103(a) as being unpatentable over SUGAR in view of HASKELL et al.

Claims 2 and 3 were previously found to be allowable. The allowable subject matter of claim 2 is now incorporated in claim 1. Claim 3 is now allowable as it depends from allowable claim 1.

Applicant believes that claims 1 and 3 are allowable and therefore respectfully requests that they be allowed and the application passed to issue.

Respectfully submitted,
MARK LEVY & ASSOCIATES, PLLC

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